IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20313 of 2004

Between:

A.S.Basha, s/o A.Khaja Hussan Saheb, Conductor,
D.No.1/263, Post Office Street, Mudigussa (Posts Mandal)
Ananthapur District.

.....PETITIONER

AND

1 The Andhra Pradesh State Road Transport Corporation, rep., by its Divisional Manager, Chittoor, Chittoor District
2 The Andhra Pradesh State road Transport Corporation rep., by its Depot Manager, Kuppam Depot,
Kuppam, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents in deleting the name of the petitioner from selection list vide proceedings No.PA/95(114)04/KPM dated.16-7-2004 is illegal, arbitrary and violating the principles of natural justice and consequently direct the respondents to reinstate the petitioner into the service, with back wages and all attendants benefits.

Counsel for the Petitioner:MR.G.B.S.S.PAPA RAO

Counsel for the Respondent No.: MR.P.V.SWAMY

The Court at the time of admission made the following :

ORDER:

The petitioner contends that he was appointed in the Kuppam Depot of the Respondent-Corporation as a Conductor, after due selection by the Selection Committee. On 20.06.2004, he collected Rs.6/- from one passenger (Rs.4/- towards ticket of the passenger and Rs.2/- towards luggage charge for a Mango basket), but issued a ticket worth Rs.4/- only and did not issue the luggage ticket for the mango bag, due to non-availability of luggage ticket. The checking officials issued a charge memo to him for not issuing the luggage ticket worth Rs.2/- even after collecting the money from the passenger. On 28.04.2004, the 2nd respondent issued a show cause notice to the petitioner regarding the said incident and the petitioner submitted his explanation contending that the luggage ticket was not issued for non-availability of the luggage tickets. But the 2nd respondent through his proceedings dated 16.7.2004 without appreciating the explanation to the charge memo deleted the name of the petitioner from the selection list. The petitioner being aggrieved by the said order of the 2nd respondent approached this Court seeking to declare that the order of the 2nd respondent dated 16.07.2004 deleting his name from the selected list of Conductors in Kuppam Depot as illegal, arbitrary, contrary to law and in violation of the principles of natural justice.

It is an undisputed fact that the petitioner was selected as a Conductor through a Selection Committee as per the Regulations of the Corporation. The Petitioner was appointed as a Conductor. Since the petitioner was a regularly selected employee, an enquiry ought to have been conducted before imposing the punishment of deleting his name from the list of selected candidates. The

second respondent instead of conducting an enquiry passed the impugned order only after issuing the show cause notice and receiving the explanation from the petitioner. Since the deletion of the name of the petitioner from the list of selected candidates was done through the impugned order without conducting any enquiry, the order is liable to be set aside.

In the result, the writ petition is allowed. The impugned order dated 16.07.2004 is set aside. The respondents are directed to restore the name of the petitioner in the list of selected candidates and continue to engage him on the basis of availability of the work on the same terms and conditions in which he used to engage prior to the deletion of his name from the list of selected candidates.

This order will not preclude the second respondent from conducting a regular enquiry against the petitioner and pass appropriate orders according to the rules.

04.11.2004.

MRKR

To

1 The Divisional Manager, Andhra Pradesh State Road Transport Corporation, Chittoor, Chittoor District

2 The Depot Manager, Andhra Pradesh State road Transport Corporation, Kuppam Depot,
Kuppam, Chittoor District.

3. Two C.D. copies.